

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	21 MC 102 (AKH)
IN RE: WORLD TRADE CENTER LOWER MANHATTAN DISASTER SITE LITIGATION	21 MC 103 (AKH)
IN RE: COMBINED WORLD TRADE CENTER LOWER MANHATTAN DISASTER SITE LITIGATION (straddler plaintiffs)	DECLARATION OF RICHARD E. LEFF
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I, Richard E. Leff, pursuant to 28 U.S.C. §1746, affirm under the penalty of perjury that the following is true and correct:

1. I am a partner with the law firm of McGivney & Kluger, P.C., counsel for defendants American Express Company, American Express Bank, Ltd., American Express Travel Related Services Company, Inc., 90 Church Street Limited Partnership, Boston Properties, Inc., Lehman Brothers Inc., Lehman Commercial Paper Inc., Lehman Brothers Holdings Inc., in these matters and a member of Defense Liaison Committee for the 21 MC 102 and 21 MC 103 dockets. I am admitted to practice law before the Court and am familiar with the matters set forth herein. I submit this declaration in support of the current Reply Memorandum to Plaintiffs Opposition to Defendants Motion seeking to dismiss with prejudice certain Plaintiffs' claims for violations pursuant to Rule 37 of the Federal Rule of Civil Procedure.

2. Attached as Exhibit "A" is a true and correct copy of the Court's Order Regulating Discovery and Trials of Group I and Group II Selected Cases establishing discovery deadlines through trial, *See Order In Re: World Trade Center Lower*

*Manhattan Disaster Site Litigation*, 21 MC 102 (AKH) (S.D.N.Y. March 21, 2013) No. 4647.

3. Attached as Exhibit "B" is a true and correct copy of the October 11, 2012 Court Conference Hearing Transcript held before the Honorable Alvin K. Hellerstein. *See* Transcript of Record, *In Re: World Trade Center Lower Manhattan Disaster Site Litigation*, 21 MC 102 (AKH) (S.D.N.Y. October 11, 2012).

4. Attached as Exhibit "C" is a true and correct copy of the Court's October 22, 2012 Opinion and Order Denying Motions to Reinstate 22 Dismissed Plaintiffs. *See* Opinion and Order Denying Motions to Reinstate 22 Dismissed Plaintiffs, *In Re: World Trade Center Lower Manhattan Disaster Site Litigation*, 21 MC 102 (AKH) (S.D.N.Y. October 22, 2012), ECF No. 4502.

5. Attached as Exhibit "D" is a true and correct copy of the Court's April 18, 2013 Court Conference Hearing Transcript held before the Honorable Alvin K. Hellerstein. *See* Transcript of Record, *In Re: World Trade Center Lower Manhattan Disaster Site Litigation*, 21 MC 102 (AKH) (S.D.N.Y. April 18, 2013).

6. I declare under the penalty of perjury under the law of the United States of America that the foregoing is true and correct.

Dated: New York, New York  
May 30, 2013

Respectfully submitted,



Richard E. Leff (RL-2123)  
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